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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,341	12/05/2001	Velimir Pletikosa	555255012293	7287
7590	12/23/2004		EXAMINER	
David B. Cochran, Esq. Jones, Day, Reavis & Pogue North Point 901 Lakeside Ave Cleveland, OH 44114			CHIANG, JACK	
			ART UNIT	PAPER NUMBER
			2642	
			DATE MAILED: 12/23/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,341	PLETIKOSA, VELIMIR	
	Examiner	Art Unit	
	Jack Chiang	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11,13,14 and 17-31 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11,13,14 and 17-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Sirola et al. (US 6415138).

Regarding claim 1, Sirola shows:

A mobile device housing having a top surface (see 2);

A touch screen (3);

A protective cover comprising a protective surface (4) and a position mechanism (6);

A first position (closed position in fig. 1);

A second position (open position in fig. 2);

At least a portion of the protective surface is transparent (see 5) to enable viewing of information displayed on the touch screen (3) while the cover is in the first position.

Regarding claim 25, Sirola shows:

A mobile device (see 1) and its user interface (2);

A partially-transparent protective cover (4) comprising a protective surface (4-5) and a position mechanism (6);

A first position (closed position); and

A second position (open position in fig. 1),

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 6, 7, 9-11, 13-14, 17, 21, 22, 24-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Romao (EP 0969641) in view of Sirola et al. (US 6415138).

Regarding claim 1, Romao shows:

A mobile device housing having a top surface (see 1);

A touch screen (2);

A protective cover comprising a protective surface (14) and a position mechanism (15);

A first position (closed position);

A second position (open position in fig. 1);

Romao differs from the claimed invention in that it does not show a display for displaying information, and at least a portion of the protective surface which is

transparent to enable viewing of information displayed on the touch screen (2) while the cover is in the first position.

However, Sirola teaches providing a touch panel having a touch control area (3b) and a display area (3a), and a transparent cover (4-5) which allows viewing information displayed on the touch screen while the cover is in the closed position (see fig. 1).

Hence, it would have been obvious for one of ordinary skill in the art to modify Romao's touch panel with a display area and the cover with a transparent material to enable viewing of the information as taught by Sirola, such that various information can be displayed to inform the user the status of the device (see fig. 2, col. 4, lines 45-48 in Sirola).

Regarding claim 10, Romao shows:

A mobile device housing having a top surface (see 1);

A touch screen (2);

A protective cover comprising a protective surface (14) and a position mechanism (15);

A first position (closed position);

A second position (open position in fig. 1);

The cover (14) includes apertures (16) for providing input commands to the touch surface when the cover is in the first position (closed position).

Romao differs from the claimed invention in that it does not show a display for displaying information, and at least a portion of the protective surface which is

transparent to enable viewing of information displayed on the touch screen (2) while the cover is in the first position.

However, Sirola teaches providing a touch panel having a touch control area (3b) and a display area (3a), and a transparent cover (4-5) which allows viewing information displayed on the touch screen while the cover is in the closed position (see fig. 1). Hence, it would have been obvious for one of ordinary skill in the art to modify Romao's touch panel with a display area and the cover with a transparent material to enable viewing of the information as taught by Sirola, such that various information can be displayed to inform the user the status of the device (see fig. 2, col. 4, lines 45-48 in Sirola).

Regarding claim 25, Romao shows:

A mobile device (see 1) and its user interface (2);

A protective cover (16) comprising a protective surface (14, 16) and a position mechanism (15);

A first position (closed position); and

A second position (open position in fig. 1)

Romao differs from the claimed invention in that it does not show a display for displaying information, and at least a portion of the protective surface which is partially-transparent to enable viewing of information displayed on the touch screen (2) while the cover is in the first position.

However, Sirola teaches providing a touch panel having a touch control area (3b) and a display area (3a), and a transparent cover (4-5) which allows viewing information displayed on the touch screen while the cover is in the closed position (see fig. 1). Hence, it would have been obvious for one of ordinary skill in the art to modify Romao's touch panel with a display area and the cover with a transparent material to enable viewing of the information as taught by Sirola, such that various information can be displayed to inform the user the status of the device (see fig.2, col. 4, lines 45-48 in Sirola).

Regarding claims 2, 6, 7, 9, 11, 13, 14, 17, 21, 22, 24, 26-30, the combination of Romao and Sirola shows:

A plurality of apertures (16 in Romao);

A plurality of controls (11-12);

The cell phone (1);

A hinge (15);

A touch keyboard or touch/display screen (see 2 in Romao; 3a-3b in Sirola);

At least a portion of the protective surface is transparent (see 16);

The first position (closed position); and

The second position (open position in fig. 1).

5. Claims 3-5 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Romao and Sirola in view of Miyagawa et al. (US 5410447).

Regarding claims 3-5, 18-20, Romao shows a hinge.

Romao differs from the claimed invention in that it does not have details about the hinge, such as pins and rails.

However, Miyagawa teaches providing a hinge having pins and rails, and the first, second and third positions (see 35-39 in fig. 10a-10c).

Hence, it would have been obvious for one skilled in the art to adapt the Miyagawa's hinge in Romao, such that to couple the cover to the device, and to provide a rotational range regulating mechanism for regulating a rotational range of the cover to the device (col. 2, line 60-65 in Miyagawa).

6. Claims 8, 23, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Romao and Sirola in view of Mischneko (US 5185790).

Regarding claims 8, 23, 31, Romao shows a hinge.

Romao differs from the claimed invention in that it does not have details about the hinge, such as integral first part/pins and integral second part/rails.

However, Mischneko teaches providing a hinge having integral first part/pins (205, 207) and integral second part/rails (303, 503).

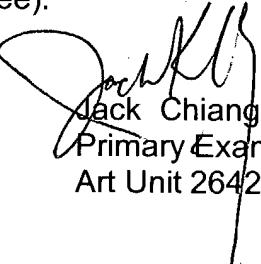
Hence, it would have been obvious for one skilled in the art to adapt the Mischneko's hinge in Romao, such that to couple the cover to the device, and to provide a cover which is rotated to the position and thereby maintain the cover in the position (col. 2, line 47-49 in Mischneko).

ARGUMENT

7. In response to the remarks (pages 8-9) filed 08-06-04, WO 03/021922 is now withdrawn in view of the argument. Further, the claimed "transparency" is now addressed in the present rejections above, see comments above.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
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Art Unit 2642